

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

20230930-DK-BUTTERFLY-1, INC., f/k/a
BED BATH & BEYOND INC.,

Plaintiff,

v.

RYAN COHEN and RC VENTURES LLC,

Defendants.

Case No. 1:24-cv-05874-NRB

**DEFENDANTS RYAN COHEN AND RC VENTURES LLC'S
NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Maxwell G. Dillan, sworn to on December 9, 2024, and the exhibits attached thereto, and the accompanying Memorandum of Law in Support of this Motion, Defendants Ryan Cohen and RC Ventures LLC, by their attorneys, Wollmuth Maher & Deutsch LLP, respectfully move this Court, before the Honorable Naomi Reice Buchwald, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 21A, New York, New York 10007, at a date and time to be set by the Court, for an order dismissing the First Amended Complaint of Plaintiff 20230930-DK-Butterfly-1, Inc., f/k/a Bed Bath & Beyond Inc. with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

Dated: December 9, 2024

Respectfully submitted,

WOLLMUTH MAHER & DEUTSCH LLP

/s/ Joshua M. Slocum

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